APPENDIX

APPENDIX INDEX

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Order

Michigan Supreme Court
Lansing, Michigan

January 30, 2026

169543 & (20)(21)

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

WILLIE LAWRENCE BAKER,
Plaintiff-Appellee,

v

SC: 169543
COA: 378924
Oakland CC: 2025-532480-DM

NAKITA MARIE BAKER,
Defendant-Appellant.

_____/

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the January 14, 2026 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motion to stay is DENIED.

a0127

I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 30, 2026

Clerk

A2

Court of Appeals, State of Michigan

ORDER

Kathleen A. Feeney
Presiding Judge

WILLIE LAWRENCE BAKER V NAKITA MARIE BAKER

Stephen L. Borrello

Docket No. 378924

LC No. 2025-532480-DM

Anica Letica
Judges

The motion for immediate consideration is GRANTED.

The motion to waive fees is GRANTED for this case only.

The motion to waive the requirements of MCR 7.209 is GRANTED.

The motion for the application to proceed without transcripts is GRANTED.

The application for leave to appeal is DENIED for lack of merit in the grounds presented.

The motion for stay is DENIED.

Kathleen A. Feeney
Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

January 14, 2026
Date

Jerome W. Zimmer Jr.
Chief Clerk

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
FAMILY COURT DIVISION

WILLIE BAKER,

Plaintiff,

v

NAKITA BAKER,

Defendant.
_____/

Case No. 2025-532480-DM
Hon. Lisa Langton

FILED Received for Filing Oakland County Clerk 1/2/2026 2:48 PM

JUDGMENT OF DIVORCE

This matter came before this Court for trial on November 18, 2025, concerning Plaintiff's complaint for divorce and Defendant's related counterclaim. At that time, both parties appeared and provided their respective testimonies. After hearing the evidence presented by the parties, and consistent with its bench ruling, the Court orders as follows for the reasons stated on the record:

Divorce

1. The marriage between Plaintiff Willie Baker ("Father" or "Husband") and Defendant Nakita Baker ("Mother" or "Wife") is dissolved, and the parties are divorced.

Custody

2. The parties are awarded joint legal and physical custody of the parties' minor child, NB (born 2025).

Parenting Time

3. Until February 17, 2026, Father shall exercise parenting time with NB as follows: (i) two (2) days per week, for a period of four (4) hours; and (ii) one overnight every weekend, commencing at 5:00 p.m. until the next day at Noon. The parties shall agree on the specific days of Father's parenting time schedule stated above in light of his changing work schedule. However, on and after February 18, 2026, the parties shall exercise equal (50/50) parenting time with NB, which schedule shall also be mutually agreed upon by the parties. However, should such an agreement not be reached by January

6, 2026, either party may file a motion with the Court in order to determine the parties' 50/50 parenting time schedule as ordered herein.

4. During Father's parenting time with NB, his family member Gregory shall not be present. In addition, Father is required to have a valid driver's license and car insurance to transport NB.

Child Support

5. This Court will enter an order of reference to the Friend of the Court for a support investigation and recommendation, which order shall be contemporaneously entered with this judgment. In relation thereto, the parties shall split the dependency tax exemption concerning the minor child, with Mother claiming it in even years, and Father claiming it in odd years. Further, the effective date of the resulting child support order shall be as of January 15, 2026. And unless an objection to the FOC's recommendation is filed within 21 days from it being served on the parties, the Court will enter a Uniform Child Support Order consistent with said recommendation.

Domicile/Residence of the Minor Child and 100 Mile Rule

6. The domicile or residence of the minor child may not be moved from Michigan without the approval of the Court, and the custodial parent must promptly notify the Friend of the Court in writing when the minor child is moved to another address. MCR 3.211(C)(1), MCR 3.211(C)(2).

7. A parent whose custody and parenting time of a child is governed by this judgment shall not change the legal residence of the child except in compliance with section 11 of the "Child Custody Act of 1970", 1970 PA 91, MCL 722.31.

Inherent Rights of the Minor Child

8. The parties' minor child has an inherent right to the affection and love of both parents and to a relationship with them. The parties agree that neither will take any action that might estrange the minor child from the other parent or tend to discredit, cause disrespect, or diminish the quality of the relationship with the other parent.

Parenting Time in Foreign Countries

9. Parenting time shall not be exercised in a country that is not a party to the Hague Convention on the Civil Aspects of International Child Abduction unless both parents provide the Court with written consent to allow a parent to exercise parenting time in such a country.

Spousal Support

10. Neither party shall pay spousal support to the other party.

Property and Debt Division

11. Assets: The assets of the parties' marital estate shall be divided as follows:

a. Marital Home: The marital home located at 1530 Tu Van Trail, Leonard, Michigan, 48367, shall be fully awarded to Husband as his sole and separate property, free and clear of any interest of Wife; however, Husband shall pay Wife her 50% equity interest in the marital home totaling $4,000.00 no later January 15, 2026. Further, Wife must vacate the marital home no later than January 15, 2026.

b. Vehicles: Wife is fully awarded the Kia vehicle and shall be fully responsible for any and all related debt, and she shall fully indemnify Husband and hold him harmless in relation to said debt. Husband is fully awarded the Tesla and Toyota vehicles and shall be fully responsible for any and all related debt, and he shall fully indemnify Wife and hold her harmless in relation to said debt.

c. Personal Property: Each party is awarded his/her children's bedroom sets located in the marital home, with all other personal property therein to be divided via mutual agreement of the parties. If the parties are unable to do so, they shall engage in mediation to reach such an agreement.

12. Debt: The liabilities of the parties' marital estate shall be divided as follows:

a. Credit Cards: Husband shall be fully responsible for all credit card debt held in his individual name. Wife shall be fully responsible for all credit card debt held in her individual name.

b. Student Loans: When Wife's student loans become due and owing, Husband shall contribute up to $4,000.00 toward the outstanding loan amount which shall not exceed $10,000.00. Husband's obligation shall be paid either proportionally based on the monthly installment payment owed on said loans (not to exceed 40% of said monthly amount), or in full if Husband solely elects to do so.

Retention of Jurisdiction

13. This Court specifically retains continuing jurisdiction over this matter to implement the terms of this judgment. Further, after the Friend of the Court's issuance of its support recommendation as addressed *supra*, and the Court's entry of a final uniform child support order that shall be incorporated into this judgment, all pending issues shall be deemed resolved and this case shall be closed pursuant to MCR 2.602(A)(3).

IT IS SO ORDERED.

Date: January 2, 2026

LISA LANGTON, CIRCUIT JUDGE P41171 BAR NO.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
FAMILY COURT DIVISION

WILLIE BAKER,

Plaintiff,

v

NAKITA BAKER,

Defendant.
_____/

Case No. 2025-532480-DM
Hon. Lisa Langton

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ORDER DENYING MOTION FOR RECONSIDERATION

The Court held a trial in this divorce proceeding on November 18, 2025. Upon considering the parties' testimonies and relevant evidence concerning their short-term marriage,[1] this Court rendered a bench ruling on the issues of custody, parenting time, spousal support, and division of property and debt. On November 19, 2025, Defendant Nakita Baker (Defendant-mother) filed her pending motion requesting this Court to reconsider and set aside its bench ruling.[2] For the reasons elaborated *infra*, Defendant-mother's requested relief is respectfully denied.

I. ANALYSIS

Citing MCR 2.119(F) and MCR 2.612(C)(1)(d), Defendant-mother purports that this Court committed palpable error on various grounds when rendering its bench ruling at the parties' November 18 divorce trial. As a result, she essentially moves to vacate this Court's ruling and be granted a new trial. However, this Court finds that such relief is unwarranted.

A. SUBJECT-MATTER JURISDICTION

Defendant-mother first argues that this Court lacked subject-matter jurisdiction over the issues of child custody and support in this divorce proceeding. Specifically, she posits

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[1] The parties were married on August 16, 2023. See *Complaint for Divorce* filed on January 2, 2025, ¶ 3.

[2] See *Defendant's Emergency Motion for Reconsideration* filed on November 19, 2025. See also *Judgment of Divorce* entered on January 2, 2026.

that Plaintiff Willie Baker's failure to amend his complaint to reference their newly born child (NB) precluded the Court from adjudicating any child-related issues at trial. This Court disagrees.

As our Michigan Court of Appeals recognized in *In re AMB*, 248 Mich App 144, 166; 640 NW2d 262 (2001), "'[j]urisdiction is the power of a court to act and the authority of a court to hear and determine a case.' [citation omitted]. As its name implies, subject-matter jurisdiction describes the *types of cases and claims* that a court has authority to address. [citation omitted]. In other words:

> 'Jurisdiction over the subject matter is the right of the court to exercise judicial power over that class of cases; *not the particular case before it, but rather the abstract power to try a case of the kind or character of the one pending*; and not whether the particular case is one that presents a cause of action, or under the particular facts is triable before the court in which it is pending, because of some inherent facts which exist and may be developed during the trial. [citation omitted].'" (emphasis added).

As applied here, the Child Custody Act of 1970 (CCA) establishes the criteria and procedures for resolving custody disputes.[3] Our Legislature enacted the CCA to "[govern] custody, parenting time, and child support issues for minor children in Michigan, and . . . is the exclusive means of pursuing child custody rights." *LeFever v Matthews*, 336 Mich App 651, 662; 971 NW2d 672 (2021). Notably, MCL 600.1021(1)(g) unequivocally provides this Court the *sole and exclusive jurisdiction* to hear and adjudicate all matters arising under the CCA. See *Stamadianos v Stamadianos*, 425 Mich 1, 5; 385 NW2d 604 (1986) (recognizing that "[t]he jurisdiction of the circuit courts in matters of divorce is strictly statutory"); see also *Tilley v Tilley*, 195 Mich App 309, 312; 489 NW2d 185 (1992). Consequently, Defendant-mother's claim that this Court was divested of subject-matter jurisdiction to address custody and support issues due to Plaintiff-father's failure to file an amended complaint is misguided and without merit.[4]

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[3] MCL 722.21 et seq.

[4] The record reflects that Defendant-mother advised this Court that she was pregnant during a motion hearing on April 9, 2025. She then confirmed this fact at a subsequent motion hearing on August 13, 2025, and identified Plaintiff-father as NB's biological parent. This resulted in the Court entering an order directing that "the two-letter suffix case caption code for this action [be changed] to a divorce, minor children [DM] proceeding pursuant to MCR 8.117". See *Order to*

B. DUE PROCESS

Defendant-mother next claims that this Court palpably erred by denying her the opportunity to present witnesses, as well as a meaningful opportunity to be heard at trial. This Court disagrees.

1. WITNESS EXCLUSION

MRE 403 provides that "[t]he court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence." Further, MRE 611(a) mandates that a "court must exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:(1) make those procedures effective for determining the truth; (2) avoid wasting time; and (3) protect witnesses from harassment or undue embarrassment".

Here, the record reflects that this Court asked Defendant what her two witnesses would proffer should they testify. Defendant-mother stated that the testimony of Plaintiff-father's daughter would concern his alleged infidelity during the marriage. As to her sister, Defendant-mother stated that her testimony would address the parties' financial wherewithal. However, when the Court asked if those matters were beyond her personal knowledge, she admitted they were not and confirmed that she intended to testify regarding them. Consequently, the Court determined that receiving such duplicative testimony was unnecessary, noting it would instead consider Defendant-mother's relevant testimony when offered. Thus, consistent with MRE 403 and/or MRE 611(a), this Court's exclusion

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Modify Case Caption entered on August 15, 2025. Moreover, at trial, Defendant-mother acknowledged that she gave birth to NB in October 2025. Plaintiff-father also acknowledged on the record his paternity of NB which he initially disputed. Thus, this Court would be hard-pressed to find that Defendant-mother was surprised that custody and support issues would be addressed at trial. The record also reflects that Defendant-mother openly addressed and proffered testimony about such issues to this Court. *See also Zdrojewski v Murphy*, 254 Mich App 50, 61-62; 657 NW2d 721 (2002) (finding that when parties, by their express or implied consent, try issues that pleadings do not raise, a court treats issues as if pleadings had raised them, referencing MCR 2.118(C)(1)).

of Defendant-mother's witnesses did not constitute palpable error as she erroneously claims. *See McDonald v Stroh Brewery Co*, 191 Mich App 601, 478 NW2d 669 (1991) (excluding witness testimony on the basis that it was cumulative given the testimony of several prior witnesses)(citing MRE 403; *Wayne Co Sheriff v Wayne Co Bd of Comm'rs*, 148 Mich App 702, 710-711; 385 NW2d 267 (1983)).

The Court also notes that it issued a scheduling order mandating the parties to "file witness lists at least one week before the close of discovery and identify all expert witnesses."[5] But despite the September 9, 2025 discovery deadline, the record shows that Defendant-mother did not file her witness list until November 17, 2025 – one day before trial commenced. Thus, the Court's exclusion of such witnesses would have been likewise proper in accordance with MCR 2.401(I).[6]

2. OPPORTUNITY TO BE HEARD

While Defendant-mother claims that she advised this Court of her and her mother's medical issues, she failed to illustrate how those alleged conditions precluded her from proceeding in this action. Defendant-mother likewise failed to show how her transportation challenges barred her from being heard by the Court as she now claims. Indeed, the record reflects that the initial October 7, 2025 trial date was set in March 2025.[7] That date was then subsequently adjourned by the Court to November 18, 2025.[8] Thus, Defendant-mother was granted more than sufficient time to prepare for trial. In addition, and equally important, she was granted the opportunity to fully present her arguments and evidence at that time. Notably, following her testimony, Defendant-mother confirmed she had nothing further to add in response to this Court's query. Therefore, based on the record, this Court finds Defendant-mother's claim of a due process violation on such grounds erroneous and without merit.

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[5] See *Domestic Scheduling Order* entered on March 11, 2025, ¶1(a)(ii).

[6] MCR 2.401(I) provides that: "(1) No later than the time directed by the court under subrule (B)(2)(a), the parties shall file and serve witness lists . . ., and (2) The court may order that any witness not listed in accordance with this rule will be prohibited from testifying at trial except upon good cause shown."

[7] See footnote 2.

[8] See *Order of Adjournment and Setting In-Person Trial* entered on October 14, 2025, and *Order Changing Time of Existing Trial Date* entered on November 10, 2025.

C. JUDICIAL BIAS

Defendant-mother also contends that this Court is allegedly biased thereby requiring reconsideration of its November 18 bench ruling. According to Defendant-mother, such bias is based on three grounds - namely, (i) "[t]he Court interrupt[ing] Defendant repeatedly but allowed Plaintiff to interrupt without consequence"; (ii) "[t]he Court insert[ing] statements into Defendant's testimony (e.g., 'I thought you said the VA gave you a loan to pay for school?') despite Defendant clarifying multiple times"; and (iii) "[t]he Court removed Defendant's daughters from the courtroom for stating truthful information, while excusing Plaintiff's misconduct". This Court, however, disagrees.

"Due process requires that an unbiased and impartial decision-maker hear and decide a case." *Kern v Kern-Koskela,* 320 Mich App 212, 231; 905 NW2d 453 (2017). The party who alleges that a judge is biased must overcome the heavy presumption in favor of judicial impartiality. *Id.* Moreover, our courts have well established that "judicial rulings, in and of themselves, almost never constitute a valid basis for a motion alleging bias, unless the judicial opinion displays a deep-seated favoritism or antagonism that would make fair judgment impossible and overcomes a heavy presumption of judicial impartiality." *Armstrong v Ypsilanti Twp*, 248 Mich App 573, 597; 640 NW2d 321 (2001) (quotation marks and citation omitted); *see also Bayati v Bayati*, 264 Mich App 595, 603; 691 NW2d 812 (2004).

Here, contrary to Defendant-mother's claims, the record reflects that both parties adopted a combative posture toward one another throughout trial, necessitating this Court to intervene on multiple occasions. This Court also found Defendant-mother's testimony not credible on many issues. Consequently, the Court had to often make inquiries when it appeared that Defendant-mother was failing to answer a question or providing a nonsensical response. In addition, due to inappropriate behaviors,[9] the record reflects that certain individuals were in fact removed from the courtroom so trial could proceed in an orderly fashion. Indeed, this Court was performing its proper function when it engaged in

[9] The Court specifically notes that these individuals were disruptive, loud, laughing and overall distracting.

such actions – which were both relevant and necessary to the pending proceeding. See *In re MKK*, 286 Mich App 546, 566-567; 781 NW2d 132 (2009) (a trial judge's remarks, which are even hostile to or critical of the parties, their cases, or their counsel, ordinarily will not establish a disqualifying bias). And when doing so, the record reflects that this Court continued to treat both parties with the utmost respect.

Thus, based on an accurate reading of the record, this Court respectfully rejects Defendant-mother's request to disqualify itself from this case.

D. EVIDENCE

Defendant-mother further claims that this Court committed palpable error because it relied on "extra-record facts" concerning her alleged infidelity, and ignored evidence relating to custody and division of property. This Court disagrees.

As to her purported infidelity, the record reveals that Plaintiff-father testified about Defendant-mother "laying" with another man while being on a week-long trucking trip. Thereafter, the Court clarified its prior statement that Defendant-mother was "in bed" with him by noting that the picture was of her "laying" with the man. Nevertheless, this Court found Defendant-mother's testimony about this event lacked credibility, supporting its finding that both parties had questionable conduct with adults during their marriage. Thus, Defendant-mother's claim that the Court relied on "extra-record facts", and that it relatedly committed palpable error in that regard, is unfounded.

Regarding her second claim, Defendant-mother specifically purports that this Court ignored evidence of Plaintiff-father's infidelity, his history of sending money to women, and his failure to take prescribed medication. And in doing so, she claims that the Court committed palpable error when adjudicating the issues of custody and property division. However, as stated *supra*, the record reflects that the Court found both parties' conduct relevant to questioning their marital faithfulness, which was one of many factors it considered in equitably dividing their marital estate. The record further shows that Plaintiff-father testified regarding his medical condition/services which this Court opined would not impede his ability to care for NB. Finally, the record reflects that any money Plaintiff-father admitted to sending to other women was negligible, and was likewise

weighed in the Court's division of the parties' property.[10] Thus, Defendant-mother's claim that the Court committed palpable error as to those matters is without merit.

E. CUSTODY DETERMINATION

Defendant-mother further asserts that the Court palpably erred by failing to make specific findings of fact regarding the best interest factors set forth in MCL 722.23. However, the record refutes this claim, demonstrating that the Court individually evaluated and addressed each factor in its custody determination. Thus, because the Court properly considered the sum total of these factors as statutorily required, Defendant-mother's request to vacate its custody ruling is without merit.

F. PROPERTY DIVISION

Defendant-mother additionally asserts that the Court palpably erred in its division of the parties' marital home and awarding Plaintiff-father the Toyota vehicle. This Court disagrees.

1. MARTIAL HOME

The record reflects that neither party presented any evidence supporting the current value of the martial home. Accordingly, as our Michigan Supreme Court made clear in *Walters v Nadell*, 481 Mich 377, 388; 751 NW2d 431 (2008), "trial courts are not the research assistants of the litigants; *the parties have a duty to fully present their legal arguments to the court for its resolution of their dispute*." (emphasis added); see also *Wiand v Wiand*, 178 Mich App 137; 443 NW2d 464 (1989) (holding that the party seeking to include a property interest in the marital estate bears the burden of proving a reasonably ascertainable value). Nonetheless, Plaintiff-father presented evidence indicating that he unilaterally reduced the outstanding mortgage balance by $8,000.00 during the parties' approximate one year of ownership. The record also reflects that Defendant-mother was unemployed and had no plan to obtain gainful employment in order to pay the home's

[10] The Court also found that Plaintiff-father was the sole wage-earner for the majority of the parties' marriage. Additionally, the record illustrates that Plaintiff-father financially provided for Defendant-mother, as well as members of her extended family that he had no obligation to support. According to the parties, each of them had multiple children with other individuals prior to their marriage. This Court also found Defendant-mother's testimony regarding the parties' financial condition to be largely unreliable.

marital expenses (i.e. mortgage, insurance, and other related costs). Thus, taking into account these facts, as well as weighing the requisite division factors cited in *Sparks v Sparks*, 440 Mich 141, 159-160; 485 NW2d 893 (1992), this Court awarded Defendant-mother half of the alleged equity in the marital home totaling $4,000.00. Additionally, along with having to directly pay Defendant-mother's equity award, the record reveals that Plaintiff-father was also ordered to assume the majority of the parties' debt that encumbered their martial estate. This included paying 40 percent of Defendant-mother's student loans totaling $10,000.00. Thus, based on the record, this Court finds that Defendant-mother's claim that it committed palpable error in apportioning the parties' marital estate, including the marital home, is unfounded.

2. VEHICLES

The parties testified that Defendant-mother owned an older model Toyota vehicle, while Plaintiff-father's mother owned a Kia. During the marriage, however, they each drove the other's vehicle as the parties agreed. Notably, neither party presented the Court with any vehicle titles, nor was evidence presented to support their current value. When dividing the marital estate, the Court asked Defendant-mother whether she wished to continue driving the Kia *or* to be awarded the Toyota. The record reflects that she elected to continue using the Kia, and Plaintiff-father agreed to have the title transferred to her name. Thus, given the parties' stipulations, for Defendant-mother to now claim that this Court mandated she retain the Kia vehicle is unfounded and borders on the disingenuous.

With respect to the Tesla vehicle, the record shows that Defendant-mother was fully cognizant that it was originally titled in the name of Plaintiff-father's mother. It also reveals that the Tesla had no equity, was fully encumbered by debt, and was awarded to Plaintiff-father. Thus, Defendant-mother's claim that "*the Court refused to distribute the marital Telsa*" is without merit.

G. IRREPARABLE HARM

Lastly, Defendant-mother contends that she will suffer irreparable harm if an immediate stay of the Court's ruling is not ordered. However, other than stating her circumstances preceding said ruling, Defendant-mother fails to specify the irreparable

harm she will purportedly face if her request is not granted. Nor does she provide any legal authority to support such relief. *See Walters,* 481 Mich at 388 ("trial courts are not the research assistants of the litigants; the parties have a duty to fully present their legal arguments to the court for its resolution of their dispute"). Therefore, Defendant-mother's request to stay the Court's ruling is denied.

II. CONCLUSION

Based on the foregoing reasons, Defendant-mother's motion for this Court to reconsider and set aside its November 18, 2025 bench ruling is denied.

IT IS SO ORDERED.

Date: January 13, 2026

